

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Trevor Hackett	Team: Squad #08	CCRB Case #: 202303881	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 09/16/2022 6:58 AM	Location of Incident: 7-Train Junction Boulevard subway station	18 Mo. SOL 3/16/2024	Precinct: 115
Date/Time CV Reported Thu, 04/20/2023 10:10 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/03/2023 3:09 PM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Rashawn Holman	25579	950594	TD 20

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Tiffany Calvin	05112	948498	TD 20

Officer(s)	Allegation	Investigator Recommendation
A.PO Rashawn Holman	Force: Police Officer Rashawn Holman used physical force against § 87(2)(b)	
B.PO Rashawn Holman	Abuse: Police Officer Rashawn Holman refused to provide his shield number to § 87(2)(b)	

Case Summary

On April 20, 2023, § 87(2)(b) called IAB and filed this complaint. This complaint was received by the CCRB on May 3, 2023.

On September 16, 2022, at approximately 6:58 AM, § 87(2)(b) entered the 7-train station at Junction Boulevard and Roosevelt Avenue in Queens. While in the station, § 87(2)(b) was playing music from a portable speaker and was ordered to turn off the music by Police Officer Rashawn Holman of Transit District 20. PO Holman then ordered § 87(2)(b) to leave the station and pushed him multiple times to get him out of the station (**Allegation A – Force:** § 87(2)(g) § 87(2)(b)). During the incident, § 87(2)(b) asked PO Holman several times to provide his shield number, which he refused to do (**Allegation B – Abuse of Authority,** § 87(2)(g) § 87(2)(b)).

No summons or arrest resulted from this incident.

§ 87(2)(b) provided cell phone footage of the incident which is located in IA #17 (**BR 01**). Body Worn Camera (BWC) footage was obtained for PO Holman and PO Calvin and is located in IAs #63 and 62 and is summarized in IAs #36 and 37 (**BR 02-05**).

Findings and Recommendations

Allegation A – Force: Police Officer Rashawn Holman used force against § 87(2)(b)

At 00:16, PO Calvin is seen standing near the MTA booth located near the exit door. At 00:19, § 87(2)(b) is seen walking past PO Holman. At 00:31 PO Holman walks towards § 87(2)(b) and appears to speak to him (no audio). § 87(2)(b) flips off PO Holman with his middle finger and walks past him again. At 00:37, PO Holman confronts § 87(2)(b). § 87(2)(b) begins to turn away from PO Holman and PO Holman attempts to grab § 87(2)(b) arm, but § 87(2)(b) quickly pulls it away and continues walking to a ticket machine. At 00:59, PO Holman, who has followed § 87(2)(b) to the ticket machine, tells § 87(2)(b) that he is acting disorderly. § 87(2)(b) turns back and says, "Because I'm buying my MetroCard?"

At 01:08, PO Holman tells § 87(2)(b) he is talking loudly and needs to get out of the station. § 87(2)(b) raises his voice at PO Holman and says, "You mean I can't talk? Fuck you mean I can't talk?" At 01:13, § 87(2)(b) tells PO Holman, "Fuck is you?" At 01:14, § 87(2)(b) pulls his left arm away from PO Holman and says, "Fuck is you?" At 01:18, PO Holman radios for an additional unit to assist with § 87(2)(b) ejection. At 01:29, § 87(2)(b) retrieves his metro card and walks past PO Holman. PO Holman taps § 87(2)(b) left arm and tells him to get out of the station. § 87(2)(b) responds, "Why is you touching me?" At 01:35, PO Holman begins to shout at § 87(2)(b) to leave the station. § 87(2)(b) responds that he is not leaving because he is going to work.

At 01:47, PO Holman says, "I told you nicely to lower your music and you became very disrespectful." § 87(2)(b) says, "And I turned it off. It was off over a minute." PO Holman responds and says, "You were disrespectful." At 01:56, PO Holman moves toward § 87(2)(b) who also steps towards PO Holman. In response, PO Holman puts both hands on § 87(2)(b) chest and shoves him. PO Holman tells § 87(2)(b) to get out of the station. At 01:59, PO Holman tells § 87(2)(b) not to touch him like that. At 02:00, PO Holman pushes § 87(2)(b) arms towards the exit. At 02:05, § 87(2)(b) asks for PO Holman's name and shield number. PO Holman responds by telling § 87(2)(b) his name, and command (Covered in Allegation B). At 02:14, § 87(2)(b) is pushed out of the station entrance and towards the top of the stairs leading up to the entrance. At 02:18, PO Holman pushes § 87(2)(b) to each individual step as § 87(2)(b) stays in one place and says, "Hold on." At 02:26, PO Holman again yells at § 87(2)(b) to get out of the station. At 02:40, § 87(2)(b) reaches the bottom of the staircase and is on the

sidewalk (**BR 02**).

BWC from PO Calvin captures a separate angle of the interaction. At 01:45, PO Holman is shouting at § 87(2)(b) to leave. § 87(2)(b) does not move and steps towards PO Holman so that his face is several inches from PO Holman's. In response, PO Holman shoves § 87(2)(b) in the chest. At 02:07, while § 87(2)(b) is standing at the top of the stairwell, PO Holman pushes him twice down the stairs as § 87(2)(b) refuses to move. § 87(2)(b) does not stumble down any steps, nor does he appear to twist his ankle or his wrist (**BR 03**).

The Transit Ejection Form completed for § 87(2)(b) stated that he was ejected for "Breach of peace," "Unlawful entry," and "Refusing a lawful order" (**BR 06**).

§ 87(2)(b) statement was somewhat consistent with the BWC footage. On September 16, 2022, at approximately 6:58 AM, § 87(2)(b) entered the 7-train station at Junction Boulevard and Roosevelt Avenue in Queens. As § 87(2)(b) went up the staircase leading to the subway entrance, he was playing music from his blue Bose Bluetooth speakers. § 87(2)(b) did not recall the exact volume of the music or the type of music he was playing. § 87(2)(b) did not believe the volume was too loud. As he entered the station area near the turnstiles, PO Holman, who was standing in the station with PO Calvin, yelled at § 87(2)(b) to lower the volume of the music because it was too loud. § 87(2)(b) complied and reduced his volume. PO Holman then commanded § 87(2)(b) to turn off his music entirely. § 87(2)(b) immediately turned the music off and walked towards MetroCard machines. § 87(2)(b) never raised the volume of his speaker during the incident. § 87(2)(b) was told to turn off the music approximately twice. § 87(2)(b) approximated that he was pushed 15 times during the incident and stated that he was moving slowly towards the exit when these pushes occurred. As § 87(2)(b) was descending the staircase from the station to the street, PO Holman shoved him, causing § 87(2)(b) to stumble three steps and twist both his ankle and his wrist. § 87(2)(b) grabbed onto the handrail to prevent himself from falling. § 87(2)(b) did not seek medical treatment for his injuries (**BR 07**).

PO Holman's statement was generally consistent with the BWC footage. PO Holman and PO Calvin were in the mezzanine of the train station when he observed § 87(2)(b) enter the station playing extremely loud music from a six-inch-long portable speaker. Other civilians were alerted by the music and looked at PO Holman for assistance. PO Holman told § 87(2)(b) to lower the volume of music and he responded by cursing at PO Holman, specifically stating "Fuck you," and "You don't scare me." § 87(2)(b) intentionally invaded PO Holman's zone of safety. PO Holman had his firearm, asps, and taser on his belt and believed it was a danger to have a civilian who was adversarial so close to his equipment. § 87(2)(b) was walking forward, closer to PO Holman throughout their interaction. § 87(2)(b) stuck his middle finger at PO Holman's face and said "Fuck you," after being told to turn down the music. PO Holman clarified that § 87(2)(b) hand was several inches from his face. § 87(2)(b) was moving around the station "aggressively," which PO Holman believed alarmed civilians. PO Holman did not recall the number of people who were alarmed by § 87(2)(b) but believed it was a lot of civilians. PO Holman recalled a civilian shouting, "Are you not going to do anything?" § 87(2)(b) did not follow PO Holman's command to turn down his music and he did not recall how many orders he issued to do this.

PO Holman then ordered § 87(2)(b) to leave the station. He could have arrested § 87(2)(b) for disorderly conduct but chose to use his discretion. PO Holman believed if he arrested § 87(2)(b) he would have resisted. PO Holman decided to eject § 87(2)(b) based on the loud music and offensive behavior which disturbed the civilians who were at the Mezzanine, including children who were on their way to school. PO Holman believed § 87(2)(b) behavior in the train station was a violation of the MTA rules and regulations.

PO Holman escorted § 87(2)(b) out of the station using “level two” contact with § 87(2)(b) which he felt was most applicable. PO Holman described the contact as small pushes. PO Holman pushed § 87(2)(b) more than once, although he did not recall what specific number of pushes were utilized for the ejection. § 87(2)(b) refused to follow PO Holman’s orders to leave despite being pushed out of the station. PO Holman did not recall if § 87(2)(b) was moving closer to the exit or staying still while being escorted out but was generally not compliant. PO Holman pushed § 87(2)(b) while he was on the staircase and did so because he refused to leave the station (BR 08).

PO Calvin was not interviewed as the BWC footage showed that PO Holman’s use of force fell within NYPD guidelines.

New York MTA Code 1050.7(e), states that within a public facility, it is prohibited to create sound through any sound production device, except as authorized by 1050.6(c) (BR 09). Patrol Guide Procedure 221-01, states that force used by officers must be reasonable under the circumstances (BR 10).

§ 87(2)(b) was violating MTA rules by playing music over his portable speaker. As such, PO Holman was justified in asking him to leave the station. Although there is no BWC audio for the beginning of the encounter, § 87(2)(b) appears confrontational and non-compliant as he gives PO Holman the middle finger and walks away from him while PO Holman attempts to speak with him. § 87(2)(b) ignores PO Holman’s repeated orders to leave the station and further escalates the situation by stepping towards PO Holman and positioning himself several inches from PO Holman’s face. PO Holman begins pushing § 87(2)(b) out of the station. Even after PO Holman began pushing § 87(2)(b) towards the exit, § 87(2)(b) continued refusing to leave the station voluntarily. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Rashawn Holman refused to provide his shield number to § 87(2)(b)

This allegation was captured on BWC and was not alleged by § 87(2)(b)

BWC from PO Holman shows, at 02:00, as PO Holman is pushing § 87(2)(b) out of the station, he twice requests his name and shield number. Each time, PO Holman responds by providing his name and command, but does not provide his shield number. At 02:58, after they have exited the station, § 87(2)(b) again requests PO Holman’s name and shield number. PO Holman does not verbally provide his shield number and instead states, “You can’t read? It’s right here,” while pointing to his uniform. § 87(2)(b) who is holding his phone, extends his arm forward and holds his camera approximately one foot away from PO Holman’s uniform. PO Holman and PO Calvin immediately push § 87(2)(b) hand away (BR 02).

PO Holman’s statement was generally consistent with the BWC footage. He initially did not recall whether § 87(2)(b) requested his name or shield number but said that if this information were requested, he would have provided it either verbally or “physically” as required. After reviewing his BWC footage, PO Holman acknowledged that he “physically” provided § 87(2)(b) with his shield number, which was sufficient to fulfill § 87(2)(b) request (BR 08).

Patrol Guide Procedure 203-08 states officers are required to courteously and clearly state their

name, rank, shield number, and command, or otherwise provide this information, to anyone that requests that they do so (**Board Review 11**).

§ 87(2)(b) requests PO Holman's name and shield number three times, though PO Holman does not verbally provide his shield number at any point. § 87(2)(b) does hold his phone up close to PO Holman's uniform in an apparent attempt to clearly record the shield number, but the officers push his hand away. It is understandable that PO Holman would not want § 87(2)(b) to invade his personal space given he was behaving in a confrontational manner and had already stepped toward PO Holman to get in his face earlier in the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 13**).
 - PO Holman has been a member of service for 12 years and has been a subject in four additional CCRB complaints and eight additional allegations, none of which were substantiated. § 87(2)(g)
- § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
 - On August 3, 2023, a notice of claim inquiry was submitted to the New York City Office of the Comptroller. The results will be added to the case file upon receipt.
 - § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: 08

Investigator:	Trevor Hackett	Inv. Trevor Hackett	08/08/2023
	Signature	Print Title & Name	Date

Squad Leader:	Ethan De Angelo	IM Ethan De Angelo	08/09/2023
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date